DOCUMENT RESUME

ED 418 514 EC 306 078

AUTHOR Brown, Dale S.; Bruyere, Susanne M.; Mank, David
TITLE The ADA and Total Quality Management. Implementing the Americans with Disabilities Act.
INSTITUTION State Univ. of New York, Ithaca. School of Industrial and Labor Relations at Cornell Univ.
SPONS AGENCY National Inst. on Disability and Rehabilitation Research (ED/OSERS), Washington, DC.
PUB DATE 1994-12-00
NOTE 5p.
CONTRACT H133D10155
AVAILABLE FROM ILR Program on Employment and Disability, ILR Extension Building, Room 102, Cornell University, Ithaca, NY 14853-3901; telephone: 607-255-7727; TTY: 607-255-2891.
PUB TYPE Guides - Non-Classroom (055) -- Information Analyses (070)
EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Administration; *Change Strategies; *Civil Rights Legislation; *Disabilities; Educational Legislation; *Employer Employee Relationship; Equal Opportunities (Jobs); Federal Legislation; Organizational Development; Program Development; Quality Control; *Total Quality Management
IDENTIFIERS *Americans with Disabilities Act 1990

ABSTRACT

One of a series of guides on implementing the Americans with Disabilities Act (ADA), this guide focuses on the relevance of total quality management (TQM) principles to the ADA. First, the guide briefly explains both the ADA and TQM. Next, "reasonable accommodation" under the ADA is discussed and suggestions for using TQM to help implement the ADA are offered. These suggestions urge implementation of four TQM principles: capacity building, universal design, focus on strengths rather than deficits, and use of data for decision making. The planning process of TQM is then applied to reasonable accommodation in the form of the Plan-Do-Check-Act cycle. Suggestions for educating personnel about the ADA include adding it to existing TQM training efforts. Several organizational resources are listed. (DB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 418 514

THE ADA AND TOTAL QUALITY MANAGEMENT

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
☑ This document has been reproduced as received from the person or organization originating it.
☐ Minor changes have been made to improve reproduction quality.
• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

This brochure was written by Dale S. Brown, Susanne M. Bruyère, and David Mank.

For a more extensive review of the topic see a publication entitled "Quality Through Equality: Total Quality Management Applied to the Implementation of Title I of the Americans with Disabilities Act" by Dale Brown, Susanne Bruyère, and David Mank which will be available for purchase from your Regional Disability and Business Technical Assistance Center at 1-800-949-4232 (voice/TTY), or from LRP Publications, PO Box 980, Horsham, PA 19044-0980, phone 1-800-341-7874.

Program on Employment and Disability
New York State School of Industrial and Labor Relations
CORNELL UNIVERSITY

EC 306 075

What Is the Americans with Disabilities Act?

The Americans with Disabilities Act of 1990 (ADA) is a significant piece of civil rights legislation that extends the prohibition against discrimination on the basis of race, sex, religion, and national origin to persons with disabilities. The employment provisions in Title I prohibit discrimination against persons with disabilities in recruitment, preemployment screening, hiring, promotions, layoffs and terminations, and any other term, condition, or privilege of employment. Title I covers private employers, state and local governments, employment agencies, and labor unions.

What Is Total Quality Management?

Total quality management (TQM) is a form of doing business in which managers and line employees work cooperatively toward improved quality and productivity. Three components are necessary for total quality management to flourish in any company: participatory management, continuous process improvement, and use of teams.

Participatory management is a process of trust and feedback that evolves between managers and employees. It means providing individual employees and teams with the skills and support they need to understand better how they do business, help improve the production process, and participate in making changes in the organization. A 1992 Gallup poll revealed that 39 percent of American managers had a quality improvement program in place and were pleased by the results.

Continuous process improvement means accepting small, incremental gains as steps toward total quality. This approach enables employees to develop confidence in the total quality management process and gives managers opportunities to support and encourage employees and teams. Each process is studied, often by the employee responsible for doing it, to see how it can be improved.

Cross functional teams (sometimes called quality improvement teams) meet frequently using TQM principles to study a particular area that needs work.

What Is "Reasonable Accommodation" under the ADA?

Reasonable accommodation, a critical concept in the employment provisions (Title I) of the ADA is a modification or adjustment to a job, employment practice, or work environment that enables a qualified individual with a disability to participate in and enjoy equal employment opportunity. The employer's obligation to provide a reasonable accommodation applies to all aspects of employment. This requirement may arise anytime a person's disability or job changes, unless the accommodation causes an undue hardship to the employer.

BEST COPY AVAILABLE

An undue hardship is an action that poses significant difficulty or expense in relation to the size of the company, available resources, or the nature of the business. A qualified individual with a disability or employee cannot be denied an employment opportunity solely because of the need to provide reasonable accommodation. If the employer can show that the cost of the accommodation would impose an undue hardship, it would still be required to provide the accommodation if funding is available from another source, e.g. a State vocational rehabilitation agency, or if tax deductions or credits are available to offset the cost of the accommodation. In the absence of such funding, the individual with the disability requesting the accommodation should be given the option of providing the accommodation or of paying that portion which constitutes the undue hardship on the operation of the business.

How Can TQM Be Used to Help Implement the ADA?

Total quality management can be used when implementing the ADA so as to improve human resource practices in general, in addition to increasing employment opportunities for people with disabilities. The advantages of TQM apply not only to human resource departments responsible for recruitment, hiring, and employment in both large and small companies.

At least four features of total quality management focus on improvements in the workplace that can benefit all employees. These four features are

- capacity building
- universal design
- focus on strengths rather than deficits
- use data for decision making

Emphasis on capacity building calls both for changing human resource methods and building the changes into day-to-day practice. Under the ADA, an employer may be required to make modifications or adjustments to a job application process that enable a qualified applicant to be considered for the position desired. Improving the capacity of human resource processes enhances opportunities for people with disabilities and all other potential employees.

Universal design concepts accommodate the diversity of the current and future workforce, including persons with disabilities. Whereas universal design is frequently discussed in terms of physical accessibility and environmental modifications, the same principles apply to services and processes. For example, the use of icons on application forms and computer programs allows a much broader range of people to recognize immediately the information needed.

Focus on strengths rather than deficits create the potential for configuring job duties to take advantage of individual differences. Traditional hiring processes often emphasize assumed requirements that extend beyond the essential functions of a specific job. As a result, they may eliminate potential employees who have transferable skills but do not meet all assumed requirements.

Use of data for decision making includes evaluation of progress and ways to improve processes. If a company intends to increase the diversity of its workforce by hiring employees with disabilities, then data about progress in recruiting, interviewing, and hiring will provide feedback about the effectiveness of its new human resource practices.

How can the Planning Process of Total Quality Management Be Applied to Reasonable Accommodation?

Most organizations that use total quality management use the Plan-Do-Check-Act (PDCA) cycle or a variation of it. Plan-Do-Check-Act can be used as a blueprint for supervisors faced with the need to provide a reasonable accommodation. The steps, spelled out below, can also help in devising an appropriate accommodation for a particular individual.

Plan. The individual with a disability and his or her supervisor should discuss the needed accommodation, evaluate alternative solutions, and select those that appear best. Worker, manager, and other experts work as a team. The President's Committee on Employment of People with Disabilities' Job Accommodation Network (see below) can help.

Do. Once the employee and his or her supervisor or employer agree on an accommodation, it can be implemented. This should be done with the understanding that the accommodation may need to be reexamined and updated in the event of a job change or a change in the status of the employee's disability.

Check. Assess whether the accommodation is working. Ask the individual, observe outcomes of the individual's work, and observe the worker. If there are problems, return to the planning portion of the cycle.

Act. The request for accommodation may signal action needed to assess the causes of work-related injury to prevent future such occurrences. Also, the information gained over time on accommodations can be helpful if similar such accommodations are needed in the future.

Educating Personnel about the ADA

Because the ADA applies to all aspects of participation in society, including employment, public accommodations, transportation, and telecommunications, it will affect businesses both as employers and as providers of goods and services. Each business organization must educate its employees on the provisions of the ADA, its relevance to the functioning of the organization as a whole, and the responsibilities of specific personnel.

One way to introduce ADA nondiscrimination material might be to add it to TQM training efforts which are being offered by many companies. A familiar term in TQM is benchmarking. Benchmarking is a formalized process for assessing current practices in work performance and outcomes and comparing that with desired or superior performance processes and outcomes. For example, training supervisors on effective benchmarking for unit effectiveness could include the number of work-related injuries for a particular quarter or the number of persons with disabilities who are newly recruited in the workplace. Using such examples will raise awareness of disability discrimination issues in the context of total quality management training for the organization.

Other ADA-related information of particular relevance to supervisors includes

- employment prescreening and applicant interviewing
- medical, drug, and other testing
- identification of essential job functions
- and equal access for persons with disabilities to staff development and promotional opportunities.

Reference

Jablonski, J. R. (1990). Implementing Total Quality Management – competing in the 1990s. Albuquerque, N.M.: Technical Management Consortium.

Where can I go to get more information on these issues?

The following are national resources available to you that will provide you with further information on the employment provisions of the Americans with Disabilities Act of 1990:

ADA Regional Disability and Business Technical Assistance Center Hotline, 800/949-4232 (voice/TTY).

Equal Employment Opportunity Commission, 1801 L Street, NW, Washington, DC 20507, (800) 669-4000 (Voice) to reach EEOC field offices; for publications call (800) 800-3302 or (800) 669-EEOC (voice/TTY).

The President's Committee on Employment of People with Disabilities Job Accommodation Network (JAN), 800/526-7234, West Virginia University, P.O. Box 6080, Morgantown, West Virginia 26506-6080.

For Further Information Contact:

ILR Program on Employment and Disability
ILR Extension Bldg., Room 102
Cornell University
Ithaca, NY 14853-3901

Voice: (607) 255-7727 Fax (607) 255-2763 TTY: (607) 255-2891

This material was produced by the *Program on Employment and Disability*, School of Industrial and Labor Relations - Extension Division, Cornell University, and funded by a grant from the National Institute on Disability and Rehabilitation Research (grant#H133D10155). An English language version has been reviewed for accuracy by the U.S. Equal Employment Opportunity Commission. However, opinions about the Americans with Disabilities Act (ADA) expressed in this material are those of the author, and do not necessarily reflect the viewpoint of the Equal Employment Opportunity Commission or the publisher. The Commission's interpretations of the ADA are reflected in its ADA regulations (29CFR Part1630), its Technical Assistance Manual for Title I of the Act and in various enforcement guidance.

Cornell University is authorized by the National Institute on Disability and Rehabilitation Research (NIDRR) to provide information, materials, and technical assistance to individuals and entities that are covered by the Americans with Disabilities Act (ADA). However, you should be aware that NIDRR is not responsible for enforcement of the ADA. The information, material, and/or technical assistance is intended solely as informal guidance, and are neither a determination of your legal rights or responsibilities under the Act, nor binding on any agency with enforcement responsibility under the ADA.

In addition to serving as a National Materials Development Project on the Employment Provisions of the Americans with Disabilities Act of 1990, *the Program on Employment and Disability* also serves as the training division of the Northeast Disability and Business Technical Assistance center. This publication is one of a series edited by Susanne M. Bruyere, Ph.D., C.R.C., Director of the ILR Program on Employment and Disability at Cornell University.

OTHER TITLES IN THIS *IMPLEMENTING THE ADA* SERIES ARE:

A Human Resource Perspective on Implementing the ADA
Pre-Employment Screening Considerations and the ADA
Pre-Employment Testing and the ADA
Reasonable Accomodations Under the ADA
Health Benefit Plans and the ADA
The ADA and Injured Workers
The ADA and Collective Bargaining Issues
The ADA and Porsonnel Training
The ADA and Total Quality Management
Cultural Diversity and the ADA

These and other informational brochures can be accessed on the World Wide Web at:
www.ilr.cornell.edu/ped/ada

*For further information about publications such as these, contact the ILR Program on Employment and Disability, Cornell University, 102 ILR Extension Division, Ithaca, NY 14853-3901; or at **607/255-2906** (Voice), **607/255-2891** (TTY), or **607 /255-2763**(Fax).*

CORNELL UNIVERSITY